

§ 242a.7 Transcripts, recordings, and minutes of closed meetings.

(a) The Board of Regents shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or portion of a meeting, closed to the public, except that in the case of a meeting, closed to the public pursuant to § 242a.4(j), the Board shall maintain either such a transcript or recording, or a set of minutes.

(b) Where minutes are maintained they shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any action taken, and the reasons for such actions, including a description of each of the views expressed on any item and the record of any roll call vote (reflecting the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

(c) The Board shall maintain a complete, verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting or portion of a meeting, closed to the public, for a period of at least 2 years after such meeting, or until 1 year after the conclusion of any Board proceeding with respect to which the meeting or portion was held, whichever occurs later.

(d) Public availability of records shall be as follows:

(1) Within 10 days of receipt of a request for information (excluding Saturdays, Sundays, and legal public holidays), the Board shall make available to the public, in the offices of the Board of Regents, USUHS, Bethesda, Maryland, the transcript, electronic recording, or minutes of the discussion of any item on the agenda, or of any item of the testimony of any witness received at the meeting, except for such item or items of such discussion or testimony as the Executive Secretary determines to contain information which may be withheld under § 242a.4.

(2) Copies of such transcript, or minutes, or a transcription of such recording disclosing the identity of each speaker, shall be available at the actual cost of duplication or transcription.

(3) The determination of the Executive Secretary to withhold information pursuant to paragraph (d)(1) of this section may be appealed to the Board. The appeal shall be circulated to individual board members. The Board shall make a determination to withhold or release the requested information within 20 days from the date of receipt of a written request for review (excluding Saturdays, Sundays, and legal public holidays).

(4) A written request for review shall be deemed received by the Board when it has arrived at the offices of the Board in a form that describes in reasonable detail the material sought.

§ 242a.8 Effective date.

This part shall become effective on March 12, 1977.

PART 242b—GENERAL PROCEDURES AND DELEGATIONS OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Sec.

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AUTHORITY: Uniformed Services Health Professions Revitalization Act, 10 U.S.C. 2112-17.

SOURCE: 42 FR 63775, Dec. 20, 1977, unless otherwise noted.

§ 242b.1 Regents.

(a) *History and name.* The Congress of the United States in the Uniformed Services Health Professions Revitalization Act of 1972, 10 U.S.C. 2112-17 (1972) created a collective body to conduct the business of the Uniformed Services University of the Health Sciences, and designated this body "the Board of Regents of the Uniformed Services University of the Health Sciences," referred to in these procedures as "the Board."

(b) *Number, duties.* Section 2113 of Title 10, United States Code, provides:

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(1) The number of Regents on the Board;

(2) The manner of selection of the Regents;

(3) The terms of office of the Regents;

(4) The powers and duties of the Regents;

(5) The manner of selection of a Chairman of the Board;

(6) The compensation of the Regents.

(c) *Officers—(1) Designation—term—vacancies.* (i) The officers of the Board shall consist of a Chairman and a Vice Chairman.

(2) *Chairman of the Board.* (i) The Chairman of the Board shall preside at all meetings of the Board in accordance with these procedures.

(ii) The Chairman of the Board shall have the power to execute on behalf of the Board all instruments in writing which have been authorized by the Board and shall exercise such other powers as may be conferred upon him or her from time to time by the Board.

(3) *Vice Chairman of the Board.* (i) The Board of Regents shall elect from their own members a Vice Chairman.

(ii) The Vice Chairman shall serve for a term of one year or until a successor is elected.

(iii) The term of office of the Vice Chairman shall commence immediately upon election.

(iv) If the Chairman is absent or unable to act, the Vice Chairman shall exercise the powers and perform the duties of the Chairman.

(v) The Vice Chairman shall perform such other duties as may be directed from time to time by the Chairman and the Board.

(vi) If both the Chairman and Vice Chairman are absent or unable to act, the Board shall elect a member Acting Chairman.

(4) *Executive Secretary.* (i) The Board shall appoint an Executive Secretary, referred to in these procedures as "the Secretary."

(ii) The Secretary shall have the power to perform such duties as generally pertain to the office and as may be conferred from time to time by the Board.

(iii) The Secretary shall notify the Regents of the time and place of all meetings of the Board, in accordance

with these Procedures, and shall keep a complete record of its proceedings.

(iv) The Secretary shall furnish to every Regent prior to each meeting of the Board a copy of the Minutes of the preceding meeting.

(v) The Secretary shall give notice of the time and place of committee meetings, and if desired by the committee or its chairman, the Secretary or an assistant shall attend the meeting and keep a record of the meeting.

(vi) The Secretary shall prepare and distribute expeditiously the minutes of all meetings of standing committees to all Regents.

(vii) The Secretary shall keep at the office of the University a copy of these General Procedures and Delegations, and the Public Meeting Procedures of the Board of Regents as periodically amended.

(viii) During the Secretary's absence or inability to act, an Assistant Secretary, appointed by the Chairman, shall act in the Secretary's place.

§ 242b.2 Meetings of the Board.

(a) *Regular meetings.* (1) The Board shall hold at least four (4) meetings in each annual period from October 1 to September 30.

(2) Unless otherwise determined by the Board, meetings shall be held at the offices of the University, 4301 Jones Bridge Road, Bethesda, Md. 20014.

(b) *Additional meetings.* (1) Additional meetings shall be called by the Secretary upon the written request of three or more Regents, delivered to the Secretary, or upon the direction of the Chairman or of the Dean of the University (President).

(2) Additional meetings of the Board shall be held at such times and places as shall be specified in the notice of meeting.

§ 242b.3 Notice.

(a) Notice of all meetings of the Board shall be sent by the Secretary to each Regent by mail, telegraph, or telephone.

(b) Mailing a notice not less than 7 days before any meeting, or sending a telegram not less than twenty-four hours before a meeting, addressed to each Regent at his or her residence or place of business; or actual notice by

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telephone to such person not less than twenty-four hours before the meeting, shall be sufficient notice of any meeting. The recital by the Secretary in the minutes that notice was given shall be sufficient evidence of the fact.

(c) A Regent may waive in writing notice of any meeting either prior to or subsequent to the holding of the meeting.

(d) Public announcement of meetings shall conform to the Public Meeting Procedures of the Board of Regents, 32 CFR 242a.5.

§ 242b.4 Quorum.

A majority of all Regents in being shall constitute a quorum of the Board.

§ 242b.5 Voting.

(a) The concurrence of a majority of the Regents present at a meeting shall be necessary for the transaction of business.

(b) Unless a written ballot is required by a Regent, no actions taken by the Board need be by written ballot.

(c) The Chairman of the Board and of each Committee is entitled to move, second, vote, and participate fully in any session to the same extent as if not a presiding officer.

(d) At the direction of the Chairman, action may be taken by a majority of the Regents by notation voting, by voting on material circulated to Regents individually or serially, or by polling of Regents individually or collectively by telephone or by telegram, or by similar procedure. Such action shall be reported by the Secretary at the next Board meeting.

§ 242b.6 Committees.

(a) The Executive Committee shall be the one regular standing committee of the Board.

(b) The Executive Committee will be composed of:

(1) The Chairperson of the Board;

(2) The Vice Chairperson of the Board;

(3) The Secretary of Defense or his designee;

(4) The Dean of the University (President); and

(5) A member of the Board appointed by the Chairperson. The Dean of the University will be a non-voting mem-

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ber whose presence will not be counted for the purpose of determining a quorum at any Executive Committee meeting.

(c) The Executive Committee will possess all powers of the Board of Regents except the power:

(1) To change the General Procedures and Delegations;

(2) To appoint or remove the Dean of the University (President), Dean of the School of Medicine, Dean of the Military Medical Education Institute, Chairpersons of Departments and tenured faculty;

(3) To amend the tenure policy of the University;

(4) To establish post doctoral, post graduate and technological institutes;

(5) To establish programs in continuing medical education;

(6) To agree to utilize Federal medical resources on a reimbursable basis;

(7) To affiliate with other universities.

[54 FR 11946, Mar. 23, 1989]

§ 242b.7 Officers of the University.

(a) *Dean of the University.* (1) The Regents will appoint a Dean of the University who will also be known as the President.

(2) The President will be appointed or removed only by an affirmative vote of a majority of the Regents.

(3) At meetings of the Board of Regents, the President will be counted for the purpose of determining the presence of a quorum but will not vote.

(4) The President will be responsible for the management of the University and all its departments.

(5) The President will report to the Board at each regular meeting on the progress of the University, and will make recommendations for action.

(6) To assist in the performance of his or her duties, the President with the approval of the Board, will appoint, to act under the President's authority and direction, officers as follows:

(i) Vice President of the University.

(ii) Vice President for Operations of the University.

(iii) Commandant of the University.

(iv) Dean of the School of Medicine.

(v) Associate Dean for Academic Affairs of the School of Medicine.

(vi) Associate Dean for Operations of the School of Medicine.

(vii) Associate Dean for Continuing Education of the School of Medicine.

(viii) Associate Dean for Clinical and Academic Affairs.

(ix) Dean of the Military Medical Education Institute.

(7) The President, with the approval of the Board, may appoint and prescribe the powers and duties of other officers, as he or she may deem proper.

(8) If there is no one holding the office of President, the Board of Regents may appoint an Acting President to perform the duties of the President for such period of time as the Board may determine. If the Acting President is also a Regent, he or she will retain the powers and duties of a Regent while so acting.

(b) *Duties of officers*—(1) *Vice President of the University*. (i) The Vice President of the University will assist the President and will perform such duties as may be directed from time to time by the President.

(ii) In the absence of the President, the Vice President will act for the President.

(2) *Vice President for Operations of the University*. (i) The Vice President for Operations will be responsible for the support of the educational and research activities of the University to include but not limited to:

- (A) Financial Management;
- (B) Building Services and Materiel Acquisition;
- (C) Military Personnel;
- (D) Civilian Personnel;
- (E) Computer Operations; and
- (F) Contracting.

(ii) He or she will be responsible for the preparation of the University budget estimates and program submission presentations for the approval of the Board.

(iii) He or she will recommend to the President persons for appointment as the Assistant Vice President for Administration and such other administrative positions as he or she deems proper.

(iv) For reporting purposes, Financial Management and Computer Operations will report directly to the Vice President for Operations; the Civilian Personnel Office, Military Personnel Of-

fice, Building Services and Materiel Acquisition, and Contracting will report to the Assistant Vice President for Administration, who in turn shall report to the Vice President for Operations.

(v) Serves as Acting President in absence of President and Vice President.

(3) *Commandant of the University*. (i) The Commandant will assist the President of the University in planning, developing, and directing the military activities and functions of the University.

(ii) In the absence of the President; Vice President; Vice President for Operations; Dean, School of Medicine; and the Dean, MMEI, he or she will act for the President.

(4) *Dean of the School of Medicine*. (i) The Dean of the School of Medicine will be responsible for planning, directing, and managing the activities of the School of Medicine.

(ii) He or she will recommend to the President and to the Board, personnel for faculty appointments and will perform such duties as may be directed from time to time by the Board or the President.

(iii) He or she will recommend to the President persons for appointment as the Associate Dean for Operations, Associate Dean for Academic Affairs, Associate Dean for Continuing Education, Associate Deans for Clinical and Academic Affairs, and such other administrative positions as he or she deems proper.

(iv) For reporting purposes, the Associate Dean for Operations, Associate Dean for Academic Affairs, Associate Dean for Continuing Education, Associate Deans for Clinical and Academic Affairs, Assistant Dean for Clinical Sciences, Assistant Dean for Graduate Medical Education Liaison, and Assistant Dean for Student Affairs will report directly to the Dean, School of Medicine.

(5) *Associate Dean for Academic Affairs of the School of Medicine*. (i) The Associate Dean for Academic Affairs will be responsible for the overall management and supervision of the University's Basic Sciences Departments, Clinical Sciences Departments, and the Academic Sections. The Assistant

Dean for Graduate Education will report to the Associate Dean for Academic Affairs.

(ii) In the absence of the Dean, he or she will act for the Dean.

(6) *Associate Dean for Operations of the School of Medicine.* (i) The Associate Dean for Operations will be responsible for the support of the education and research activities of the School of Medicine to include but not limited to:

- (A) Grants Management;
- (B) Teaching and Research Support;
- (C) Learning Resource Center; and
- (D) Laser Biophysics Center.

(ii) He or she will be responsible for the preparation of the School of Medicine budget estimates and program submission presentations for the approval of the Board.

(iii) In the absence of the Dean and Associate Dean for Academic Affairs, he or she will act for the Dean.

(7) *Associate Dean for Continuing Education of the School of Medicine.* (i) The Associate Dean for Continuing Education will be responsible for all continuing education at the University to include its accreditation.

(ii) The Associate Dean for Continuing Education will report to the Dean, School of Medicine, or to the individual acting on behalf of the Dean.

(8) *Associate Deans for Clinical and Academic Affairs.* (i) The military medical officer next in line to succeed to command in each of the major affiliated Military Medical Centers, i.e., Walter Reed Army Medical Center, National Naval Medical Center, and Malcolm Grow U.S. Air Force Medical Center, respectively, will be the ex-officio incumbent of the position: Associate Dean for Clinical and Academic Affairs.

(ii) The respective Associate Dean for Clinical and Academic Affairs for each designated Center will exercise the authority and responsibilities of that position subject to respective Command regulations and policies. The incumbents will serve in a co-equal administrative status to each other within the School of Medicine's scope of authority and responsibility. Military medical officers will be appointed ex-officio and will serve in additional duty status in the Associate Dean for Clinical and

Academic Affairs position in addition to their regular assignment.

(iii) Each Associate Dean for Clinical and Academic Affairs will be responsible to the Dean, School of Medicine, for central coordination, supervision, and implementation of School of Medicine/Uniformed Services University of the Health Sciences academic and investigative/research activities performed within his/her respective Military Medical Center Command. Additionally, each Associate Dean for Clinical and Academic Affairs will represent the interests of his/her affiliated Medical Center Command within the School of Medicine and serve as principal advisor to the Dean, School of Medicine, for all professional and military matters within that command which are relevant to the School of Medicine or the Uniformed Services University of the Health Sciences.

(9) *Dean of the Military Medical Education Institute.* (i) The Dean of the Military Medical Education Institute will be responsible for planning, directing, and managing the activities of the Military Medical Education Institute.

(ii) He or she will recommend to the President and to the Board, personnel for faculty appointments and will perform such duties as may be directed from time to time by the Board or the President.

(iii) He or she will recommend to the President persons for appointment to such administrative positions as he or she deems proper.

[54 FR 11947, Mar. 23, 1989]

§ 242b.8 Amendment of procedures— Rules of Order.

(a) *Amendments.* These general procedures and delegations may be amended at any meeting of the Board of Regents by the affirmative vote of two-thirds ($\frac{2}{3}$) of the Regents present at the meeting; provided, however, that notice of proposed amendments and the text of such amendments have been distributed at the preceding meeting and have accompanied the notice of the current meeting, or there is a duly completed waiver of notice.

(b) *Order of business.* The order of business shall be at the discretion of the Chairman unless otherwise specified by the Board.

(c) *Rules of Order.* In the determination of all questions of parliamentary usage, the decision of the presiding officer shall be based upon the latest available revision of *Robert's Rules of Order*.

PART 243—INTERGOVERNMENTAL COORDINATION OF DoD FEDERAL DEVELOPMENT PROGRAMS AND ACTIVITIES

Sec.

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243.2 Applicability and scope.

243.3 Definition.

243.4 Policy.

243.5 Responsibilities.

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APPENDIX A TO PART 243—DoD PROGRAMS AND ACTIVITIES INCLUDED UNDER THIS RULE [NOTE]

APPENDIX B TO PART 243—EXAMPLES OF FEDERAL PROGRAMS AND ACTIVITIES THAT MAY AFFECT THE DEPARTMENT OF DEFENSE [NOTE]

APPENDIX C TO PART 243—DoD LIAISON REPRESENTATIVES FOR INTERGOVERNMENTAL COORDINATION OF DoD FEDERAL DEVELOPMENT PROGRAMS AND ACTIVITIES [NOTE]

APPENDIX D TO PART 243—PROCEDURES FOR DoD FEDERAL DEVELOPMENT PROGRAMS AND ACTIVITIES [NOTE]

AUTHORITY: E.O. 12372 (July 14, 1982; 47 FR 30959); section 401(b), Intergovernmental Cooperation Act of 1968 (31 U.S.C. 6506(b)).

SOURCE: 48 FR 29141, June 24, 1983, unless otherwise noted.

§243.1 Purpose.

This rule under E.O. 12372 and 31 U.S.C. 6506 et seq, updates policies, assigns responsibilities, and prescribes procedures for an intergovernmental process to assist coordination of appropriate DoD Federal development programs and activities in the United States with State and local governments and Federal agencies, and to encourage state and local governments and Federal agencies to coordinate their programs and activities with the Department of Defense.

§243.2 Applicability and scope.

(a) This rule applies to the Office of the Secretary of Defense, the Military Departments (excluding the civil works function of the U.S. Army Corps of Engineers) and the Defense Agencies

(hereafter referred to collectively as "DoD Components").

(b) Neither E.O. 12372 nor this rule are intended to create any right or benefit enforceable at law by a party against the Department of Defense or its officials.

(c) This rule covers all programs and activities developed by DoD Components for military construction (as defined in DoD Instruction 7040.4), acquisition of real property, substantial changes in existing use of military installations and real property, and disposal of real property that may affect state and local government or other Federal agency community development programs and activities, and state, local, and other Federal agency programs and activities that may affect DoD activities.

(d) A list of the DoD programs and activities subject to E.O. 12372 is at appendix A. An illustrative list of other Federal programs and activities that may affect the Department of Defense is at appendix B.

§243.3 Definition.

State. Any of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the U.S. Virgin Islands, or the Trust Territory of the Pacific Islands.

§243.4 Policy.

It is the policy of the Department of Defense to promote an intergovernmental partnership and a strengthened Federalism by relying on state processes and on state, areawide, regional, and local coordination for review of proposed DoD Federal development; and to encourage the opportunity to review other agency programs and activities that may affect the Department of Defense.

§243.5 Responsibilities.

(a) The *Executive Secretary to the Secretary of Defense*, having been designated by the Secretary of Defense as the DoD intergovernmental coordination point of contact, shall act as the focal point for all matters relating to E.O. 12372.